

Supreme Court, U.S.
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No. _____

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

DONNA S. RING,

Petitioner

v.

WILLIAM J. RAMEKER,

Respondent

On Petition For A Writ of Certiorari
To The United States Court of Appeals
For The Seventh Circuit

PETITION FOR WRIT OF CERTIORARI

Donna S. Ring
Petitioner
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QUESTIONS PRESENTED

1. There is a split of federal court authority as to all aspects of the probate exception to federal jurisdiction; therefore, what is the scope of the probate exception to federal jurisdiction?
2. Is the probate exception an absolute bar to any bankruptcy jurisdiction over any state probate matter, whether the probate matter is heard in the bankruptcy court or settled by a bankruptcy process?
3. Does bankruptcy jurisdiction trump the substantial rights granted by the Supreme Court for an illegitimate person to prove paternity for inheritance purposes (*Trimble v. Gordon*, 430 U.S. 762 (1977)?
4. Is the Seventh Circuit required to follow the precedent set in this Supreme Court in the case of *Taylor v. Freeland & Kronz*, 503 U.S. 638 (1992)?
5. Whether, on the facts of this case, is the decision of the Seventh Circuit to uphold the bankruptcy court settlement of my state probate appeal case so incorrect and so egregious, and so contrary to federal law, that in the interest of the law and justice, should the Supreme Court exercise it's supervisory power and vacate the decision of the Court of Appeals?

PARTIES TO THE PROCEEDING

The parties to the proceeding are Donna S. Ring, Petitioner, and William J. Rameker, Respondent.

Interested parties are Marjorie Wrezic and the Greater Milwaukee Foundation.

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PETITION FOR WRIT OF CERTIORARI

Petitioner Donna S. Ring respectfully petitions for a writ of certiorari to review the judgment of the United States Seventh Circuit Court of Appeals in this case.

OPINIONS BELOW

The opinion of the United States Seventh Circuit Court of Appeals, Case No. 04-1222 (6/29/05) is unpublished (App. B). Petition for rehearing en banc was denied on July 27, 2005 (App. A). The opinion of the District Court, Case No. 03-C-470-S (10/28/03) is unpublished (App. D). Rehearing was denied on December 22, 2003 (App. C). Bankruptcy Court Order Approving Settlement, Case No.02-16713-7, January 14, 2003 (App. E).

JURISDICTION

The Seventh Circuit Court of Appeals issued its decision on June 29, 2005, and it denied rehearing en banc on July 27, 2005. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1). Jurisdiction was proper in the court of appeals pursuant 28 U.S.C. 1291, jurisdiction was proper in the district court pursuant to 28 U.S.C. 1334.

STATUTES INVOLVED

11 U.S.C. 362(b)(2)(A)(i), 522, 522(b)(2)(A), 522(l), 541, 28 U.S.C. 157, 157(a), 157(c)(l), 158(a), 158(d), 1291, 1254(1), 1334, 2075, Fed. Rules Civ. Proc. 12(b)(1), Fed. Rules Bank. Proc. 4003(a), 4003(b), 9033, Wisconsin Probate Statutes 853.25(2), 879.27, 879.59 (See Appendix F beginning at App. p. 19).

STATEMENT OF THE CASE

This petition seeks review of the decision of the Seventh Circuit Court of Appeals that upheld the decision of the District Court that upheld a bankruptcy court settlement that settled a pending appeal case in the Wisconsin Court of Appeals, which was an appeal of a probate will contest case that was pending at the commencement of my bankruptcy.

On February 26, 2002, I filed a will contest case in Ozaukee County Probate Court contesting my biological father's will under the Wisconsin Probate Statutes, Chapter 853, Wills, Sec. 853.25(2) (pretermitted heir statute). My father's probate attorneys (Wrezic attorneys) filed for summary judgment on their premise that my case was a paternity case barred by a statute of limitations and the court granted their motion. Because this case was not a paternity case but a probate case, I filed an appeal. Wisconsin Statute 879.27 establishes the exclusive route for appeals of a probate action, which is to the Wisconsin Court of Appeals, and a briefing schedule was set.

On October 18, 2002 I filed for bankruptcy. On my bankruptcy schedules for disclosure I listed this state appeal case as a contingent and unliquidated claim with no value as a decision in the state appeal case would only yield a legal decision, not a monetary one, and therefore would not benefit my bankruptcy estate. I did not list the underlying case because technically I did not have a case; it was a dismissed, final, costs awarded, appealable case that was in fact on appeal.

The Wrezic attorneys received notice of my bankruptcy because they received a judgment against me for costs in the underlying case and I noted this as a debt on my